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DEPARTMENT FOR AF/E
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SUBJECT: PROPELLING THE REFORM PROCESS IN KENYA: MEETINGS
WITH KEY GOVERNMENT OFFICIALS

Classified By: Ambassador Michael E. Ranneberger for
reasons 1.4 (b) and (d)

FROM THE AMBASSADOR

¶1. (C) Summary. On March 23 I met separately with the National Intelligence Chief, the Foreign Minister, and the President's permanent secretary to press on implementation of the reform agenda. I called attention to growing concerns at senior levels in Washington regarding insufficient progress. I emphasized our support for Kofi Annan's continued engagement and made clear that, while we recognize that the culture of impunity will not be reversed overnight, we expect to see results on key reform issues. These three interlocutors will undoubtedly brief President Kibaki. I am also meeting with key officials close to PM Odinga to convey the same message. These meetings are part of our continuing efforts to propel the reform agenda, which also include vigorous public diplomacy and outreach to civil society, the private sector, religious groups, and the media, among other steps. End summary.

¶2. (C) On March 23 I met separately with three key senior officials to make clear U.S. concern regarding insufficient action to advance implementation of the reform agenda to which the coalition government committed itself. The three, the head of the National Intelligence Service Michael Gichangi, Foreign Minister Moses Wetangula, and Presidential Permanent Secretary and head of the civil service Francis Muthaura, are to one degree or another close to President Kibaki and will undoubtedly brief him on my message. (I am reaching out separately to officials linked to Prime Minister Odinga, and I will follow up by seeing the President and PM directly.)

¶3. (C) My message was essentially the same for all three. I emphasized, among other points, growing concerns at senior levels in Washington regarding the slowing of implementation of the reform agenda. I told them that we strongly support Kofi Annan's continued involvement. I recognized that significant progress was made during the first eight months of the coalition government, but noted that progress has slowed now that the government is up against the hard issues related to tackling the culture of impunity: holding accountable perpetrators of post-election violence and taking actions against corruption. I highlighted particularly the need to move forward on the following key issues: constitutional revision, the setting up of the independent electoral commission, the establishment of the local Special Tribunal on post-election violence, specific actions against corruption, and movement on police and judicial reforms. The

U.S., I made clear, shares the expectations of the Kenyan people that the coalition government must follow through on its commitment to the reform agenda. I noted that I have written to both President Kibaki and Prime Minister Odinga on the reform process issues. I emphasized to them the need to reach out to civil society, the private sector, religious groups, and the media to work in an inclusive way to advance reforms. I pointed out that the partnership between the U.S. and Kenya is based to a substantial degree on shared democratic values. The coalition government should not take this partnership for granted. The U.S. and others who supported the coalition agreement were not supporting the status quo, but rather a commitment to launch a process of fundamental change to address the underlying causes of the crisis and to help Kenya build stronger, more inclusive, and more transparent democratic institutions. We understand that the culture of impunity will not be reversed overnight, but the reform agenda will begin the process of fundamental change. I noted increased concerns about extra-judicial killings and increased threats to human rights activists. In that regard, I expressed concern that the government has not accepted our offer to have the FBI help in investigating the murders of the two human rights activists. (PM Odinga accepted the offer, but the police have refused to sit down with the FBI, and the Foreign Minister subsequently wrote us declining the offer.) I pointed out that the AGOA forum planned for August is a big opportunity, but noted that it will not be fully successfully for Kenya unless progress has been made on political and economic reforms before then. I also made clear to all three that the U.S.) despite the way that some seek to distort the picture) is neither pro-Odinga nor pro-Kibaki. We are pro-coalition government.

In order for the coalition government to work, the Prime Minister needs to be able to do his job effectively, and there needs to be good cooperation between Kibaki and Odinga.

¶4. (C) Gichangi (who briefs the President regularly) acknowledged that the reform process has not moved as quickly as Kenyans expected. However, he said, politics &is about realpolitik and the art of the doable.⁸ Much time has been wasted in sorting out politics within the coalition government, he admitted. Politicians are prematurely focused on the 2012 elections. All of this has generated a lot of &negativity⁸ among the Kenyan people, who perhaps had unrealistic expectations about what the coalition government would achieve. Meanwhile, the global economic crisis has had a major impact on Kenya, and this has fueled unhappiness and unrest, particularly among the youth (two-thirds of the population). Kenya also suffers, Gichangi said, from "the Moi hangover of high-handed leadership." Gichangi recognized the need for the coalition government to do more on the reform process but, though I pressed, he avoided specifics. (We know that Gichangi is a bitter rival of Police Commissioner Ali, and would like to see Ali removed, which would, we believe, pave the way for police reform.)

¶5. (C) The Foreign Minister,s points were similar to those made by Gichangi. He acknowledged that the coalition government is at a moment of truth and must &get its act together.⁸ He said that Kibaki and Odinga planned to bring ministers together in April for a retreat focused mainly on the issue of how to proceed with respect to the reform agenda. Our lengthy discussion produced nothing new.

¶6. (C) Among knowledgeable Kenyan observers, Muthaura is considered to be virtually a &shadow president,⁸ so much power does he wield. Muthaura argued that the reform agenda is in fact moving forward and was defensive on the specific issue of corruption. He maintained that the coalition system of each ministry having a minister from one party of the coalition and an assistant minister from the other party in effect introduced a &checks and balances⁸ system that contributes to greater transparency and accountability. He noted that the budgeting process is done by professional civil servants and not open to a lot of manipulation (conveniently overlooking the fact that much corruption is alleged to take place in the ample "off budget" budget). He

alluded to a couple of additional anti-corruption steps the government may take, such as out-sourcing audits of state corporations. He stressed that President Kibaki is fully committed to "fast tracking" implementation of the reform agenda, in concert with PM Odinga. (While the fast-tracking part is not credible, Odinga has repeatedly told me that he has a good working relationship with Kibaki.)

¶17. (C) During the course of a long and candid discussion, I challenged Muthaura on most of these points with the bottom-line being that) if things are going on in the reform process as Muthaura alleges) then this needs to be explained to the Kenyan people. That was a point that Muthaura took, admitting that the coalition government has done a terrible job of presenting its accomplishments, and the challenges it faces, to the Kenyan people. (Interesting) and probably coincidentally -- Kibaki subsequently began a systematic tour of the entire country intended to lay out what the coalition government is doing, including how it is addressing the impact of the global economic crisis.) Muthaura also agreed with me that both the President and Prime Minister "need to send the right signals." In that regard, he said that President Kibaki will set a clear agenda to move ahead on reform when he addresses Parliament when it reconvenes the latter part of April. I told Muthaura that one "right signal" would be reaching out to civil society to hear and take into account their concerns about the need to strengthen the proposed legislation to establish the Special Tribunal in order to make it more independent and credible. Having civil society on board would increase pressure on Parliamentarians to support the legislation. Muthaura agreed on the utility of doing this.

¶18. (C) Muthaura said that he would brief the President regarding U.S. concerns that the reform process is not moving quickly enough. Kibaki will hear the same message through Gichangi and Wetangula as well.

¶19. (C) These meetings are part of our continuing efforts to propel the reform agenda, which also include vigorous public diplomacy and outreach to civil society, the private sector, religious groups, and the media, among other steps.

RANNEBERGER